

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD VIA ZOOM VIDEO CONFERENCE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY MAY 12, 2021

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Kulmala, seconded by Councilman Biale, the following resolution be introduced, adopted and duly passed on roll call vote:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, (N.J.S.A. 10:4-12) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, as follows:

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
Litigation, Negotiations, Personnel
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Van Eck.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Van Eck, seconded by Councilman Pignatelli, the Executive Session be closed.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Van Eck.

MEETING CALLED TO ORDER: By Mayor Schwager at 7:30 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck. Absent: None. Also Present: Michael Carelli, Deputy Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Mayor Schwager announced that this meeting is being held in accordance with the Open Public Meetings Law, duly announced, submitted to the newspaper and advertised more than 48 hours in advance of the meeting and notice posted in the Municipal Building and on the Borough website.

MAYOR'S REPORT:

There is COVID testing at the Senior Center. Bergen County in conjunction with New Bridge Medical Center will have a mobile testing and vaccination unit at various locations in Bergen County. Mayor Schwager congratulated the Oakland Braves Roller Hockey team for winning the North Jersey Youth Roller Hockey championship. The FLOW Green Film series will take place at the Wyckoff Library on May 19th at 7 pm. This is done jointly through the FLOW area Environmental Commissions and Green Teams. The Green Team will hold a Styrofoam drive on May 16th. The Creative Bergen Arts Amble will take place June 11 to 13th. Mayor Schwager thanked the DPW for a successful shredding event. She congratulated Ryan Schwertfeger and the Dog Park Committee on the official grand opening of the dog park. It was a beautiful ceremony and the Public Events Committee provided food. Mayor Schwager is still looking for residents to join the newly formed cannabis committee. She is still looking for those who are against cannabis. The residents will serve on the committee with the Mayor, Councilman Pignatelli and Councilman Van Eck. Mayor Schwager thanked the OCC and Liz Llorente for the Oakland newsletter they provide to residents. In the most recent issue, Mayor Schwager spoke about starting up the Access for All Committee again. She asked anyone who is interested in serving on the committee, to contact her via email.

OPENED FOR PUBLIC COMMENT:

On motion of Councilman Biale, seconded by Councilman Talamini, this portion of the meeting be opened for public comment.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

No comments made.

CLOSED FOR PUBLIC COMMENT:

On motion of Councilman Biale, seconded by Councilman Kulmala, this portion of the meeting be closed to public comment.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

APPROVAL OF MINUTES: APRIL 14, 2021

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of April 14, 2021 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

APPROVE AMENDED RAFFLE LICENSE RL1396:

On motion of Councilman Biale, seconded by Councilman Van Eck, approval be granted to amended Raffle License RL1396 for Sports Association of Oakland to hold a raffle for merchandise on the new date of June 17, 2021.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

APPROVE AMENDED RAFFLE LICENSE RL1397:

On motion of Councilman Biale, seconded by Councilman Talamini, approval be granted to amended Raffle License RL1397 for Sports Association of Oakland to hold an off-premise 50/50 raffle on the new date of June 17, 2021.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

APPROVE RAFFLE LICENSE RL1403:

On motion of Councilman Biale, seconded by Councilman Pignatelli, approval be granted to Raffle License RL1403 for Sports Association of Oakland to hold an on-premise 50/50 on June 12, 2021 at 24 Lawlor Drive.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

APPOINTMENT TO FLOOD COMMISSION:

Mayor Schwager brought forth the nomination of Alison Fleeson to fill an unexpired term on the Flood Commission.

Motion to Consent:

On motion of Councilman Pignatelli, seconded by Councilman Biale, the Council consented to the appointment of Alison Fleeson to fill an unexpired term on the Flood Commission. The term will expire December 31, 2022.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

PUBLIC HEARING ON HISTORIC PRESERVATION GRANT APPLICATION FOR VAN ALLEN HOUSE INTERIOR RENOVATIONS:

OPENED FOR PUBLIC COMMENT:

On motion of Councilman Biale, seconded by Councilman Kulmala, this portion of the meeting be opened for public comment.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilman Kulmala, seconded by Councilman Biale, this portion of the meeting be closed to public comment.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

PUBLIC HEARING ON PARK IMPROVEMENT GRANT APPLICATION FOR TRUMAN FIELD UPGRADES:

OPENED FOR PUBLIC COMMENT:

On motion of Councilman Pignatelli, seconded by Councilman Talamini, this portion of the meeting be opened for public comment.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

Recreation Chairman Mike Gaudagnino advised that this is a 50/50 grant and the Borough is requesting \$ 204,000. The Truman Field needs to be completely redone. He advised that the Recreation Commission does not want the taxpayers to pay for the project so they are looking for the Mayor and Council to approve the grant application. Councilman Pignatelli commented that a lot of work needs to be done and this is an aggressive plan to make the field look new. Mr. Guadagnino advised that if this field can be made as nice as the Recreation fields, more activities can moved off the Rec field. Councilman Kulmala commented that the Truman Field is worn out and needs a refresh. He completely supports this application. Councilman Pignatelli gave kudos to Mr. Guadagnino and the Recreation Commission for providing such a great program.

No members of the public spoke.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilman Biale, seconded by Councilman Pignatelli, this portion of the meeting be closed to public comment.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

RESOLUTION 21-179 AUTHORIZE GRANT APPLICATION-B.C. HISTORIC PRESERVATION GRANT FOR VAN ALLEN HOUSE INTERIOR RENOVATIONS

On motion of Councilman Biale, seconded by Councilman Talamini, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund ("Trust Fund") provides grants to municipal governments and to non-profit organizations for assistance in the preservation of historic buildings, districts and sites.

WHEREAS, the Borough of Oakland desires to further the public interest by obtaining a grant of

\$ 87,500 from the Trust Fund for the Van Allen House Interior Renovation Phase II project; and

WHEREAS, the Governing body has reviewed the County Trust Fund Program Statement, the County Program Open Space Policy and Procedures Manual and the open space application and instructions and desires to make an application for such a grant and provide application information and furnish such documents as may be required; and

WHEREAS, as part of the application process, the Governing Body has held a public hearing on May 12, 2021 to receive comments prior to the submission of said application; and

WHEREAS, the Trust Fund shall determine whether the application is complete and in conformance with the scope and intent of the Trust fund program; and

WHEREAS, the applicant is willing to use the Trust Fund grant funding in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above-named project; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland:

1. That it is hereby authorized to submit the above-completed project application to the Trust Fund by this year's deadline established; and
2. That, in the event of a Trust Fund award may be less than the grant amount requested above, the applicant has, or will secure, the balance of funding necessary to complete the project; and
3. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
4. That this resolution shall take effect immediately.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

RESOLUTION 21-180 AUTHORIZE GRANT APPLICATION-B.C. PARK IMPROVEMENT GRANT FOR TRUMAN FIELD UPGRADES:

On motion of Councilman Biale, seconded by Councilman Talamini, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and

WHEREAS, the Borough of Oakland desires to further the public interest by obtaining a matching grant of \$204,369 from the County Trust Fund to fund the following project: Truman Field Refurbishments; and

WHEREAS, the Governing Body has reviewed the County Trust Fund Program Statement and the Trust Fund Municipal Program Park Improvement application and instructions, and desires to

make an application for such a matching grant and provide application information and furnish such documents as may be required; and

WHEREAS, as part of the application process, the Governing Body held the required Public Hearing to receive public comments on the proposed park improvements in the application on May 12, 2021; and

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above-named project and ensure its completion on or about the project contract expiration date.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland:

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of May 14, 2021 as established by the County; and
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Mayor and Council has, or will secure, the balance of the funding necessary to complete the project, or modify the project as necessary; and
3. That the Mayor and Council is committed to providing a dollar for dollar cash match for the project; and
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Mayor and Council agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project; and
6. That this resolution shall take effect immediately

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

RESOLUTION 21-181 AUTHORIZE GRANT APPLICATION-DLGS RECREATION IMPROVEMENT GRANT PROGRAM

On motion of Councilman Biale, seconded by Councilman Talamini, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Borough of Oakland desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$ 65,630 to carry out a project for the Great Oak Park Band Shell;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Mayor and Council does hereby authorize the application for such a grant; and
2. The Mayor and Council hereby recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully-executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the

agreement between the Borough of Oakland and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that Borough Administrator Richard S. Kunze is authorized to sign the application and Mayor Linda H. Schwager and Borough Clerk Lisa M. Duncan and that they or their successors, in said titles are authorized to sign the agreement, and any other documents necessary or in connection therewith.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

RESOLUTION 21-182 AUTHORIZE SUBMISSION OF MUNICIPAL ALLIANCE GRANT APPLICATION FOR 2022

On motion of Councilman Biale, seconded by Councilman Talamini, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages, and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Oakland, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for the Oakland Municipal Alliance grant for fiscal year 2022 in the amount of

DEDR	\$ 4,507.18
Cash Match	\$ 1,126.80
In-Kind	\$ 3,380.39
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

RESOLUTION 21-183 AWARD CONTRACT-LIBRARY HVAC

On motion of Councilman Biale, seconded by Councilman Talamini, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, there is a need to replace two HVAC units at the Oakland Public Library;
and

WHEREAS, D & B Service Group, 444 John F. Kennedy Drive N., Bloomfield, NJ 07003 has the Region 4 ESC Contract #R200401 through Omnia Partners National Purchasing Co-op; and

WHEREAS, D & B Service Group has submitted Proposal #R200401-NJ-309600 dated February 16, 2020 for the services required in the amount of \$ 125,000; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-809-504 \$ 60,000 and Account # C-04-56-824-504 \$ 65,000;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby award the contract for the replacement of the two HVAC units at the Library to D & B Service Group.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the agreement on behalf of the Borough.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

RESOLUTION 21-184 AWARD CONTRACT-TITLE WORK-PHASE 3 FLOOD BUYOUTS
On motion of Councilman Biale, seconded by Councilman Talamini, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Borough is in need of obtaining title work in order to proceed with Phase III of the Flood Acquisition Program at Lenape Lane; and

WHEREAS, First American Title Insurance Company, 50 Millstone Road, Bldg 200, Suite 150, East Windsor, NJ 08520, submitted proposals for the services required in an amount not to exceed \$ 6,850 for the following properties:

Block 1404, Lot 9	18 Lenape Lane
Block 1606, Lot 40	19 Lenape Lane
Block 1404, Lot 8	20 Lenape Lane
Block 1606, Lot 39	21 Lenape Lane
Block 1404, Lot 7	22 Lenape Lane

WHEREAS, First American Title Insurance Company has submitted all necessary paperwork to comply with the Borough of Oakland's Pay-to-Play requirements; and

WHEREAS, this contract is for a professional service for which no professional bidding is required; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-55-002-013;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize a contract with First American Title Insurance Company in an amount not to exceed \$6,850 for the services as outlined in their proposal; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to execute the agreement on behalf of the Borough.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

RESOLUTION 21-185 AWARD CONTRACT-SURVEYS FOR PHASE 3 FLOOD BUYOUTS
On motion of Councilman Biale, seconded by Councilman Talamini, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Borough is in need of obtaining surveys in order to proceed with Phase 3 of the Flood Acquisition Program at Lenape Lane and

WHEREAS, Casey & Keller, Inc., 258 Main Street, Millburn, NJ 07041, submitted a proposal for the services required in an amount not to exceed \$ 8,165 for the following properties:

Block 1404, Lot 9	18 Lenape Lane
Block 1606, Lot 40	19 Lenape Lane
Block 1404, Lot 8	20 Lenape Lane
Block 1606, Lot 39	21 Lenape Lane
Block 1404, Lot 7	22 Lenape Lane

WHEREAS, Casey & Keller, Inc. has submitted all necessary paperwork to comply with the Borough of Oakland's Pay-to-Play requirements; and

WHEREAS, this contract is for a professional service for which no professional bidding is required; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account # C-04-55-002-013.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize a contract with Casey & Keller, Inc. in an amount not to exceed \$ 8,165 for the services as outlined in their proposal; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to execute the agreement on behalf of the Borough.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

RESOLUTION 21-186 AWARD CONTRACT-PRELIMINARY ASSESSMENT REPORTS-PHASE 3 FLOOD BUYOUTS
On motion of Councilman Biale, seconded by Councilman Talamini, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Borough is in need of obtaining preliminary assessment reports in order to proceed with Phase 3 of the Flood Acquisition Program at Lenape Lane; and

WHEREAS, Penn's Trail Environmental, LLC, 21 E. Lincoln Ave, Suite 160, Hatfield, PA 19440, submitted a proposal dated February 19, 2021, for the services required in an amount not to exceed \$ 3,105 for the following properties

Block 1404, Lot 9	18 Lenape Lane
Block 1606, Lot 40	19 Lenape Lane
Block 1404, Lot 8	20 Lenape Lane
Block 1606, Lot 39	21 Lenape Lane
Block 1404, Lot 7	22 Lenape Lane

WHEREAS, Penn's Trail Environmental LLC. has submitted all necessary paperwork to comply with the Borough of Oakland's Pay-to-Play requirements; and

WHEREAS, this contract is for a professional service for which no professional bidding is required; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account # C-04-55-002-013;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize a contract with Penn's Trail Environmental, LLC in an amount not to exceed \$ 3,105 for the services as outlined in their proposal; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to execute the agreement on behalf of the Borough.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

RESOLUTION 21-188 AUTHORIZE GRANT APPLICATION-TENNIS COURT RESURFACING

On motion of Councilman Biale, seconded by Councilman Talamini, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Borough of Oakland wishes to apply to The Brotherton Foundation for a grant in the amount of \$ 30,000 for resurfacing of the tennis courts;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the submittal of a grant application to The Brotherton Foundation.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

RESOLUTION 21-189 AUTHORIZE BOSWELL-CONSTRUCTION INSPECTION FOR SEWER PLANT DECOMMISSIONING

On motion of Councilman Biale, seconded by Councilman Talamini, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, there is a need to award a contract for Construction Inspection for the Sewer Plant Decommissioning Project; and

WHEREAS, Boswell Engineering has submitted a proposal dated May 7, 2021 for the services required in an amount not to exceed \$ 456,000; and

WHEREAS, Boswell Engineering has complied with the Borough of Oakland's Pay to Play requirements as outlined in Ordinance 12-CODE-669 adopted on July 11, 2012; and

WHEREAS, the award of the contract is for a professional service for which no public bidding is required; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-08-56-817-101;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize a contract to Boswell Engineering for Construction Inspection for the Sewer Plant Decommissioning Project as outlined in their May 7, 2021 proposal for an amount not to exceed \$ 456,000; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the agreement on behalf of the Borough.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

INTRODUCTION: ORDINANCE NO. 21-CODE-830

The Clerk was directed to take from table Ordinance No. 21-Code-830 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-830 entitled: " AN ORDINANCE AMENDING CHAPTER 12 ENTITLED "STREETS, SIDEWALKS, PUBLIC RIGHTS-OF-WAY AND SANITATION" AND CHAPTER 59 ENTITLED "LAND USE AND ZONING" OF THE GENERAL CODE OF THE BOROUGH OF OAKLAND TO PROVIDE FOR THE REGULATION OF SMALL CELL WIRELESS FACILITIES WITHIN THE MUNICIPAL RIGHTS-OF-WAY"

On motion of Councilman Biale, seconded by Councilman Kulmala, the following resolution be introduced, adopted and duly passed on roll call vote.

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending Chapter 12 Entitled "Streets, Sidewalks, Public Rights-Of-Way And Sanitation" And Chapter 59 Entitled "Land Use And Zoning" Of The General Code Of The Borough Of Oakland To Provide For The Regulation Of Small Cell Wireless Facilities Within The Municipal Rights-Of-Way, be introduced;

That said Ordinance be considered for final adoption at a meeting on June 23, 2021 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before June 9, 2021 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

WORK SESSION:

BREWERIES, BREW PUBS, WINERIES & DISTILLERIES:

Councilman Van Eck advised that memos from Planner Steve Lydon were included in the packet and there were draft ordinances in a supplemental packet. Councilman Pignatelli asked which license must serve food. Councilman Van Eck responded a brew pub is a restaurant that does brewing. A brewery cannot serve food but can have special events and social affairs permits. A brew pub is limited in the number of barrels it can brew and there is no restriction on the number of barrels for breweries. Councilman Kulmala asked if the Planning Board has looked at this already. Mr. Chewcaskie advised that Borough Planner Steve Lydon prepared memos with regards to appropriate uses and appropriate locations. Mr. Lydon has prepared draft ordinances consistent with the memos for consideration by the Governing Body. If the Governing Body chooses to move forward, the ordinances would be listed for introduction and referred to the Planning Board for review and recommendation. Mr. Chewcaskie explained that wineries would be allowed in the Industrial zones and breweries and brew pubs would be permitted in business zones.

Councilman Kulmala asked if this has come directly to the Governing Body with no discussion by the Planning Board. Councilman Van Eck advised that the Planning Board discussed this last year. There was unanimous support for breweries. Mayor Schwager reiterated there was wide support during ongoing discussions. Councilman Van Eck stated that limited breweries would be allowed in the Industrial zone, brew pubs would be allowed in CBD1 and CBD2 zones and wineries need a certain acreage. Councilman Kulmala asked how many establishments we are looking to allow and asked if there is a limit from the State as to how many licenses can be issued. Mr. Chewcaskie is not aware of limitations on the number of licenses only on the amount of product and how sales are conducted. He advised that in Cape May County, there is probably a brewery every 3 or 4 miles.

Councilman Kulmala thinks this is a terrific idea especially if it revitalizes the Industrial Park and the downtown. Mayor Schwager asked if the Council wants to introduce at the next meeting. Councilman Talamini asked how the schools located in the Industrial Park would affect this. Mayor Schwager thinks the use of these facilities would be when schools are not in session. Councilman Kulmala stated the Planning Board will identify areas they can be put in. Councilman Biale stated that it may be a stretch having a winery since it needs at least three acres of land. Councilman Kulmala reiterated that if the ordinances are sent to the Planning Board, they can identify where a facility can go. Councilman Van Eck did not see the draft for distilleries. Mr. Kunze responded it is very similar to the limited brewery ordinance. Mr. Chewcaskie responded that was correct because of the limited type of product sold.

Mr. Chewcaskie explained there are two options. The ordinances can be introduced and referred to the Planning Board. Alternatively, they can be referred to the Planning Board first for review and recommendation to the Governing Body. The ordinances would not have to be referred again after introduction. Councilman Van Eck would be happy to attend the Planning Board meeting in June to discuss with them.

2021 CAPITAL AND BOND ORDINANCES:

Mr. Kunze advised that draft ordinances were provided for 2021 capital purchases and 2021 water capital. The bond ordinance for the road program was not included in the packet. These

ordinance encapsulate the discussions with the Finance Committee and the Council during budget discussions. These ordinances are the results of those discussions except that there were two Buildings & Grounds items pulled off. The capital ordinance will be for \$ 867,100, the bond ordinance for the road program will be \$ 1.44 million. There is a little more work to do to finalize the number for the water capital ordinance.

Councilman Talamini asked if there is enough money being allocated to maintain the roads. Mr. Kunze responded that the amount is going to need to be incrementally increased moving forward. He explained that the pavement mixes that are used now tend to not last as long. Borough Engineer Yakimik advised that the Borough is not spending enough each year because the roads are deteriorating quicker than we can keep up with them. The Borough applies to the DOT for grant funding but additional money needs to be spent on the roads. Councilman Biale stated that every one of the roads has a different lifespan based on usage. He asked what the average life a newly paved road is. Mr. Yakimik explained that in the past 15 years, the mix has changed to a more inferior product. The average lifespan of a road using that mix would be 12 to 15 years.

Councilman Kulmala asked if there is a way to cut and patch sections of roads to make the dollars stretch. Mr. Yakimik responded that can be looked at. He explained that this year, we are doing crack sealing on two roads that were done with the better mix to extend their life. Councilman Pignatelli stated in the 1970's they did seal coating then put stone. Mr. Yakimik responded it is called chip seal and it is done in northern and western counties and rural areas. Councilman Talamini asked if we would not be able to pave as much as we anticipated due to increasing fuel prices. Mr. Kunze advised that the funding for this year's road project was authorized in 2020. This funding would be for the 2022 road program. He advised that escalating fuel prices can have an impact on bid prices. Mr. Yakimik advised that the Borough must put a fuel price adjustment in the bid. Unfortunately it covers contractors more than the Borough. Mr. Kunze advised that the ordinances will be listed for introduction at the next meeting.

P-CARD PROGRAM:

Mr. Kunze stated this is essentially a municipal credit card but it doesn't work that way in terms of authorization. This is an electronic means of doing transactions for the Borough which will help facilitate with some of the vendors who don't take credit cards. He explained that unlike personal credit cards, this fits into the Purchase Order process. It still needs preauthorization and there are internal controls as to who can use the card and the amount limit. This program will be limited initially.

Councilman Pignatelli asked if there is potential for the card to be hacked. Mr. Kunze stated it will depend on the security of the vendors that are used. Mayor Schwager asked what the safeguards are and who would have access. Mr. Kunze explained the cards will be used in the office. The Borough is not going to be liable for unauthorized use as long as the fraud is reported within 24 hours. There are limits as to how much can be charged on the card. Initially, only the accounts payable clerk and the Assistant to the Administrator will have access with oversight by the CFO and Mr. Kunze. Councilman Pignatelli asked if the charges will be listed on the bills list and Mr. Kunze responded it would and would require preapproval. The purchase would need to be staged and approved before a purchase is made and there are the same set of internal controls on the payment side.

Councilman Talamini spoke about Public Events having issues with the vendor Oriental Trading and asked if this card would help. Mr. Kunze responded that the issue with Oriental Trading was that they wouldn't submit a Business Registration Certificate to the Borough. The sort of vendors that Public Events uses for party supplies may not deal with government so that would be another

potential use for the P-card. Councilman Kulmala asked how many people will have cards. Mr. Kunze responded there will only be 1 or 2 cards. He explained they want to evaluate the program before it is expanded beyond that. Mayor Schwager asked if other towns have used these cards. Mr. Kunze explained that some towns like it and others find it daunting. This program is gaining popularity with the increase in online transactions. Councilman Kulmala is comfortable with the program as long as Mr. Kunze and Mr. Young have control of the cards. Mr. Kunze reiterated the program is robust with internal controls. Mayor Schwager asked if this is what the Public Events Committee does at ShopRite? Mr. Kunze responded that the Borough sets up a blanket Purchase Order for ShopRite and then pay monthly. Councilman Biale stated it is amazing how many suppliers haven't done business with government agencies and don't take Purchase Orders. Councilman Van Eck asked if the Borough gets rewards or points with these cards. Mr. Young advised that it will be a direct charge over whatever bank account the Borough chooses. He explained this is a purchase card that can be used wherever a credit card can be used.

IN-PERSON MEETINGS:

Mayor Schwager would like to go to Senior Center first where the windows can be opened and there can be social distancing. Councilman Pignatelli asked if anyone on the Council is not vaccinated. Councilman Van Eck is not vaccinated but asked if it was going to be required. Councilman Pignatelli commented that if everyone were vaccinated, it would make the decision easier. Councilman Biale stated that even vaccinated people can test positive with COVID.

Mr. Chewcaskie advised that the Council is conducting a meeting for the benefit of the public. He asked how many members of the public would be able to attend in the Council Chambers. If there is an overflow, what happens to those members of the public and how do they participate in the meeting. Based on the current guidelines, there are still mask and social distancing requirements. If the Borough is following the Executive Order, how many members of the public could attend the meeting, who is monitoring the number of people and if there are more members of the public in attendance, what can be done. Councilman Pignatelli stated that with one of the options, it allowed 12 members of the public so we would only set out 12 chairs. Mr. Chewcaskie asked what happens if 20 people want to attend and participate.

Councilman Van Eck asked if the Borough would still continue with Zoom. Mayor Schwager asked how the Council is going to separate in the Council Chambers. Mr. Kunze advised that he hasn't looked at the Council Chambers for social distancing. What was looked at in the fall was doing a Zoom setup because the Council Chambers didn't allow for social distancing of the Council on the dais so we wouldn't be able to let the public in. Mr. Kunze thought the DLGS guidance stated if the Council met in public that the public needs to be able to attend in some way. He stated the Council Chambers would be better to facilitate Zoom but it would have to be measured for social distance. There would need to be lexan dividers on the dais for the Council and as of now, masks would still need to be worn during the meeting.

Councilman Kulmala asked if there is a difference if having the meeting at the Senior Center. Mr. Kunze responded that there can be social distancing of the Council and professionals at the Senior Center. The number of public would be limited to about 15. The meeting could still be recorded and broadcast on YouTube. He is not sure how Zoom is going to be done at the Senior Center. Councilman Van Eck stated it sounds better to be in the Council Chambers if we are going to be using Zoom. Mayor Schwager asked how the Council is going to separate in the Council Chambers. Mr. Kunze reiterated that we will need to install dividers. Councilman Kulmala questioned what happens if people are vaccinated. Mr. Kunze responded that doesn't change what has to be done to conduct a meeting.

Councilman Kulmala asked if the Planning Board would be able to utilize the Senior Center in the same fashion as the Council would for meetings. Mayor Schwager stated that at the meeting tomorrow, the Planning Board will be discussing going back in-person in June at the Senior Center. Councilman Van Eck asked if the Council would need to wear masks at the Senior Center. Mr. Chewcaskie responded they would. Mr. Kunze responded these are the current guidelines and he is hopeful it will change in the near future. Mayor Schwager stated she can't talk with the mask on. Councilman Kulmala stated that the Governor will provide more guidance this week. He asked if the Council should plan for the first meeting of June and allow more guidelines to come out. Mayor Schwager stated this should be discussed again at the next meeting. Mr. Kunze asked the attorney if the overflow public could watch the meeting on Zoom and participate. Mr. Chewcaskie responded they could.

Councilman Talamini asked what the minimum amount of participation is and stated that normally there are fire restriction limits in the room. Mr. Chewcaskie advised that you have to anticipate the ability for the public to participate. If 100 people come and the room can only fit 30 people, then a new venue is needed. Councilman Van Eck stated it makes the most sense to be in the Council Chambers for the tv and control room set up. If there needs to be plexiglass installed, then so be it.

Mayor Schwager stated she is not comfortable in the Council Chambers. Councilman Biale stated he is not comfortable there either. Councilman Talamini stated then we need to figure out how to Zoom from the Senior Center. Mr. Kunze will evaluate. He advised that the HVAC system in the Council Chambers has Merv13 filters and UV disinfection. Mayor Schwager stated unless it is unanimous support, the Council cannot go back to the Council Chambers. Councilman Talamini stated he doesn't want anyone uncomfortable but the Council has to move forward. He would go back to in-person meetings as they were before COVID. He stated it does not have to be a unanimous decision.

Councilman Kulmala stated we should plan for in-person at the first meeting in June in an appropriate place. Councilman Pignatelli thinks it should be done at the Senior Center to make the Mayor and Councilman Biale feel comfortable. Councilman Van Eck stated that Mr. Kunze should figure out the Zoom aspect at the Senior Center by the next meeting.

HONORING DECEASED ELECTED OFFICIALS:

Councilman Van Eck stated that a couple of weeks ago, Councilman Biale forwarded an obituary for a former Councilman. Councilman Van Eck came up with the idea to honor the former Council person by flying a flag at half-mast, naming the day after the person and presenting the family the flag and a certificate or resolution. Mayor Schwager advised she contacted other Mayors and they do a ceremony and present a flag to the family. She asked Mr. Kunze the cost of a flag. Mr. Kunze responded a 4'x6' flag costs \$ 45. Councilman Biale suggested a case be given to present the flag to the family. Councilman Van Eck stated the flag and case should be made in the US. The consensus of the Council was to move forward. Mr. Chewcaskie advised that if this is going to be done on a regular basis, the policy should be established by ordinance. The ordinance will be introduced at the next meeting.

NEW BUSINESS:

Mayor Schwager commented that many years ago, there was only one meeting held in July and August due to vacations. She asked the Council's opinion on doing this. Councilman Pignatelli commented that if only one meeting is done in the month, it could be a long time for vendors to get paid. Mr. Kunze advised that the longest it would be is 5 or 6 weeks. Councilman Talamini stated the Council could meet via Zoom and be anywhere so he doesn't think it is an issue.

Councilman Kulmala commented this would be more appropriate to discuss at the beginning of the year when the meeting calendar is adopted. Mayor Schwager stated she just brought it up now to gauge interest. Councilman Talamini has been on different Boards and Commissions where the meetings in the summer have been scheduled but then cancelled if there is not a lot of business that needs to be done. He suggested waiting until it gets closer to see what business needs to be done. Councilman Pignatelli stated we have been authorizing grant applications and may miss grant deadlines if meetings are cancelled. Mr. Kunze responded that a meeting could be scheduled for a specific purpose such as approving a grant application but he explained there is a “grant season” and there aren’t many due in the summer. Councilman Van Eck agreed that this should be discussed at the Reorg meeting and agreed that we should wait to see what the work load will be before cancelling any meetings in the summer.

Councilman Kulmala stated that it was an oversight but Kevin Slasinski is going to be the second on the Water and Sewer Committee.

Councilman Biale advised he received calls from Seniors after the bylaws were adopted. They complained about the first open to the public only being for agenda items. He doesn’t think it has caused an issue in the past to have that open to the public for any item and he is agreeable to change that in the bylaws. He stated there is the 30 minute rule. Mr. Kunze advised it would have to be done by resolution. Mr. Chewaskie stated the idea was to streamline the meeting. Councilman Biale stated there is already the 30 minute time limit to help streamline. Mayor Schwager advised that the Administration Committee needs to discuss the proposed amendment and bring recommendations to the Council on May 26th.

Councilman Biale received a phone call from a former Northwest Bergen Mayor who is part of an environmental group. There is a proposal for the Tennessee Pipeline to put a 19,000 horsepower gas compression station in West Milford and a 20,000 horsepower compressor in Wantage. They want to push more methane gas through pipes that are 65 years old. Councilman Biale asked if the Council could pass a resolution opposing this like several other Northwest Bergen towns are doing. He stated this project is not even being used for the benefit of NJ residents. Councilman Talamini thought the Council already passed a resolution in the past. Councilman Biale responded it was for Pilgrim Pipeline. This is the Tennessee Pipeline. Councilman Pignatelli would support this. Councilman Biale will send a draft to the Council to read.

OLD BUSINESS:

Councilman Van Eck wants to honor and recognize the Braves Roller Hockey Team who won the Junior Division Championship when we have an in-person meeting. Mayor Schwager asked Councilman Van Eck to find out how many members on the team so we can plan. Councilman Kulmala asked if it can be done outside. Mayor Schwager suggested maybe it can be done at the Danny D’Elia Building. She asked Councilman Van Eck to talk to Recreation Chairman Mike Guadagnino about logistics.

Councilman Kulmala asked for an update on the Patriots Way Bridge. Mayor Schwager advised a report will be given later.

Councilman Pignatelli wanted to confirm that the Council agreed not to widen Monhegan Ave. to allow parking as per the Engineer’s report because there is adequate parking on the side streets. Mayor Schwager thought there was sufficient room for parking from Manito to Algonquin. Borough Engineer John Yakimik responded those locations are not wider because they have curbing and sidewalks. However, the lots toward Algonquin are larger and the driveways are

longer. Mr. Yakimik stated that the only side street with restrictions on parking is Pawnee but the other side streets do not have restrictions.

COUNCIL REPORTS:

Councilman Biale: The DPW Water Department employees are performing tasks according to the Water Accountability Act. They are inspecting, testing, flushing and repairing hydrants and other tasks like exercising main line valves. The inspections and maintenance requirements will continue through November. The notice of plans for the Ramapo Valley Road sidewalks were delivered to homeowners where easements are required. We have received two endorsements and there was one request for meeting with a request to change the plan. The Skyview bids are due at 10:45 am on May 18th. There was a mandatory pre-bid conference held on May 6th and 4 potential bidders picked up specifications. The NJDEP permit has been issued for the Patriots Way Bridge Superstructure replacement. An application is being prepared for the Bergen County Soil Conservation district. A revised construction estimate will be prepared at the end of May for distribution June 1st. The final specifications are being prepared. Boswell will respond to all comments from the IBank regarding the Sewer plant decommissioning project by May 18th. The Mayor and Council authorized Boswell for construction inspection for the project as required by the IBank to receive funding. The digital sign shop drawing was accepted and the engineer is designing the footing. We have requested the delivery date for the sign and are waiting for a response. There was a proposal from Connolly & Hickey for designs for the new building to replace the Stream House. This gives us an opportunity to take the next steps.

Councilman Talamini: The Public Events Committee is looking to proceed with the carnival and a planning meeting will be held May 20th. They discussed not having the fireworks to allow for a larger footprint for the carnival to allow for distancing. The schools are opening full-time on May 17th. Councilman Talamini participated in a survey regarding hiring a Superintendent for the RIH district. He thanked Mr. Kunze and Mr. Young for all they do with finances for the Borough. Councilman Talamini congratulated Ryan Schwertfeger on the Dog Park because he put so much time and effort into that project. Mayor Schwager advised that she also spoke to the company about the search for a Superintendent. This is the first time that they have reached out to the FLOW towns for opinions. Councilman Talamini stated the firm seems well organized and thorough.

Councilman Slasinski: The tent at the Library has been installed and will be in place through mid-August. The public should contact the Library if they want to use the space. They are planning for summer reading programs.

Councilman Kulmala: The Green Team will have a Styrofoam collection on Sunday May 16th with a raindate of May 23rd from 10 am to 1 pm. The first hour will be for Oakland residents only then it is open to County residents. Councilman Kulmala attended the Dog Park opening and the park is beautiful. The Park Committee will be meeting next week and Planning Board meets tomorrow.

Councilman Van Eck: Yard Waste has to be put in biodegradable bags, be 4 ft. in length and weigh no more than 50 pounds. The DPW has repaired 650 potholes this year. Residents can report potholes to the DPW or fill out a service request form on the website. The DPW is taking applications for full-time and seasonal laborer. The applications are due June 4th. The Shade Tree Commission is looking for two new members. He thanked everyone who has planted trees and recognized Arbor Day. Discussion is ongoing on the revisions to the Shade Tree ordinance. The Recreation Hall of Fame ceremony will take place June 5th. Registration is ongoing for volleyball, soccer, football, cheerleading and summer sports camps. Late registrations will be

charged a \$ 30 fee and will not be guaranteed a spot to participate. The OCC TV Committee does a great job on recording events. Councilman Van Eck congratulated the Commission on winning three distinction awards in the annual Communicator Awards for the fifth episode of This Week in Oakland. He congratulated everyone involved. The OCC has been receiving original music for the bulletin board. This is positive for local artists. Councilman Van Eck thanked everyone involved in making the Dog Park a reality and he congratulated Ryan. This is National Nurses week and National Police Officer week so he thanked all the nurses and Police Officers.

Councilman Pignatelli: Hazardous Waste collection will be held May 15th at Campgaw. He was unable to attend Dog Park opening but congratulated Ryan. On May 5th, three residents had packages stolen. The Police Department is investigating and anyone with information should contact the Police. The Police Chief gave tips on package safety. The Fit for Life class and the Zumba class at the Senior Center have resumed outdoors. There will be Bingo on May 20th and preregistration is required. The first Senior Center outdoor social distanced barbeque will be held June 22nd. The cost is \$ 12 and registration opens June 1st. Book Club will meet May 27th. The Board of Health will meet May 18th. The Environmental Commission advised that the Styrofoam Collection will be held May 16th from 10 to 1. The Environmental Commission is applying for a \$ 160,000 grant to help develop trails. They are applying for a grant for GIS mapping system to map out all the trails. There will be a film at the Wyckoff Library June 19th.

OPENED FOR PUBLIC COMMENT:

On motion of Councilman Biale, seconded by Councilman Pignatelli, this portion of the meeting be opened for public comment.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

No comments.

CLOSED FOR PUBLIC COMMENT:

On motion of Councilman Kulmala, seconded by Councilman Van Eck, this portion of the meeting be closed to public comment.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

BILLS TO BE PAID:

On motion of Councilman Talamini, seconded by Councilman Pignatelli, the following bills be submitted for payment:

(see following pages)

BE IT RESOLVED that the foregoing bills be paid and charged to their respective accounts when the funds are available.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Pignatelli, the meeting be adjourned at 9:40 pm.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

Lisa M. Duncan

Lisa M. Duncan, Borough Clerk
June 9, 2021

Date Approved

Linda H. Schwager

Mayor Linda H. Schwager